

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE

OLE SMOKY DISTILLERY, LLC, )  
                                )  
Plaintiff,                   )  
                                )  
v.                             )                                   No.: 3:19-CV-178-TAV-DCP  
                                )  
KING DISTILLING CO., LLC, )  
                                )  
Defendant.                   )

**ORDER**

This civil matter is before the Court on the Report and Recommendation (“R&R”) entered by United States Magistrate Judge Debra C. Poplin, on July 21, 2021 [Doc. 67]. In the R&R, Judge Poplin recommends that the Court deny plaintiff’s Motion for Default Judgment [Doc. 48] and defendant’s Motion to Set Aside Default [Doc. 52] as moot, grant defendant’s Amended Motion to Set Aside Default [Doc. 53], and grant in part and deny in part defendant’s Motion to Pay Attorney Fees by Installments [Doc. 61].

There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

After a careful review of the matter, the Court is in agreement with Judge Poplin’s recommendations, which the Court adopts and incorporates into its ruling. As such, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 67], and Plaintiff’s Motion for Default Judgment [Doc. 48] is **DENIED AS MOOT**, Defendant’s Motion to Set Aside Default

[Doc. 52] is **DENIED AS MOOT**, Defendant's Amended Motion to Set Aside Default is **GRANTED** [Doc. 53], and Defendant's Motion to Pay Attorney Fees By Installments [Doc. 61] is **GRANTED in part** and **DENIED in part**.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE